App. F. IX-4

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Previous References. 194/. File No. 24-41

(Cf) Serial Nos. 344

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. two only

Part B for Sept '41

SUBJECT.

Amendment to Rule 39 (4) of order XXI of the Civil Procedure Code.

No. P 1278 Dated 18.9.41

From

The Registrar High Court.

Sanctions the request of the Registrar H.C

C. G. Vajravelu

30.10.41

1135/P

General and Revenue Secretariat | C/ File No. 24 of 1941 | [App. F. III-2

Serial No.	
1	From The Registrar High Court of Mysore No Roc 981/39-40 dt 22.8.41. Requests sanction to amend Rule 39 (4) of order XXI of the Civil procedure Code as detailed in the Statement appended to the High Court letter dt 22.8.1941. Submitted with a draft of a G.O. Con 5/9 Law Secy) May be approved Minister for Law) 6/9 3/9/41 3/9/41 3/9/41 Issued No. D 1278 dt 18.9.41

SECY. LAW DEPT. * 6 SEP. 1941 * GOVT OF MYSORE

OFFICE OF THE MINISTER FOR LAW SEP 15 1941 No 25 87

B

NOTE—Contn. Sheet.

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R. O. C. No. 981
D. Dis. 39-40

Enc: one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 21st 22nd August *1941.*

FROM

C/S 24-41-3

T. SHAMIENGAR, ESQ., B.A., B.L.,
Registrar, High Court of Mysore.

SECY. LAW DEPT. 22 AUG. 1941 GOVT OF MYSORE

H. V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

SIR,

I am directed to state that the High Court proposes to amend Rule 39(4) of Order XXI of the Code of Civil Procedure as shown in the enclosure as the present rule often causes difficulty and inconvenience when a judgment-debtor is committed to the civil prison on the last or penultimate day of a month. According to the existing rule the decree-holder is required to pay in advance to the proper officer of the Court the subsistence allowance for the judgment-debtor only for the unexpired portion of the current month, and the subsequent payments are to be made to the officer in charge of the civil prison. When a judgment-debtor is committed on the last or penultimate day of the month to a civil prison, situated in a place different from that where the Court is, the amount of the subsistence allowance deposited by the decree-holder is often spent or nearly spent before the judgment-debtor is admitted into the civil prison, and the decree-holder has no time to make further advance payments to the officer in charge of the civil prison with the result that the judgment-debtor has to be released even before he is admitted into the civil prison or after he has been there only for a day. The amendment now proposed removes this difficulty.

The proposed amendment, which was recommended by the Rule Committee, was published on page 1079 of Part III of the Mysore Gazette dated the 8th May 1941 in accordance with Section 122 of the Code of Civil Procedure and no objection nor suggestion has been

been received from anyone.

I am to request that the Government may be pleased to accord sanction to the proposed amendment of Rule 39(4) of Order XXI of the Code of Civil Procedure under Section 126 of the said Code.

I have the honour to be,

Sir,

Your most obedient servant,

J. Thamiengan

REGISTRAR.

BG

KVN.

Proposed Amendment of Rule 39(4)
of Order XXI, Code of Civil Procedure.

Add the following Proviso at the end of the paragraph putting a semicolon after the words "Civil Prison" at the end of the paragraph instead of the full stop:-

'Provided that, where the judgment debtor is committed to the Civil Prison on the last or penultimate day of the month, the first payment under this rule may, at the option of the decree holder, include the advance for the following month also;'

J. Shanmukam

REGISTRAR.

GRA/2.

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G. R. S. App. F VI—G 2]

SUBJECT .....

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Diary No. of letter replied to .....

General and Revenue Secretariat

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the *193*

Section. Cts

File No. 24-41

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 18.9.41 193

Signed by ..... Sur. K.P.P

Read—

Letter No Roc 981/39-40 Dt 22.8.1941 from the Registrar High Court of Mysore requesting Sanction to amend Rule 39 (4) of Order XXI of the Code of Civil procedure as detailed in the Statement appended hereto

Order Dt

Sanctioned

Hm
13.9.1941
Secretary to Govt
Home Legal Dept

To The Registrar High Court of Mysore

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Sur 18/9

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Letter No.R.O.C.981/39-40 dated 22nd August 1941 from the Registrar, High Court of Mysore, requesting sanction to amend Rule 39(4) of Order XXI of the Code of Civil Procedure as detailed in the statement appended hereto.

Order No.P. /278 Ch 24.11.41

Dated, Bangalore, the 18 September 1941.

Sanctioned.

for Secretary to Government,
Law Department.

To--The Registrar, High Court of Mysore.

TN-2)

Amendment of Rule 39(4) of Order XXI, Code of Civil Procedure.

Add the following Proviso at the end of the paragraph putting a semicolon after the words 'Civil Prison' at the end of the paragraph instead of the full stop:-

'Provided that, where the judgment debtor is committed to the Civil Prison on the last or penultimate day of the month, the first payment under this rule may, at the option of the decree holder, include the advance for the following month also.'

For Secretary to Government
Law Department